

**To:** Bayer, MaryRose[Bayer.MaryRose@epa.gov]  
**From:** Kumar, Chitra  
**Sent:** Wed 12/3/2014 4:06:42 PM  
**Subject:** FW: Region 8 Review- GS item

Molly –

We have been asked to develop a paper for the Region 8 review because Ron wants to be able to talk about GS. Below is a template on AE that R8 developed and we should follow for format, and some thoughts from Doug on what they would like to hear about. Can you or someone on the team prepare the write-up for GS/Class VI? (As team leader you can decide if you want to do or delegate). Holly needs it by COB tomorrow and you can send it to both of us simultaneously.

Thanks!

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Chitra Kumar

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**From:** Minter, Douglas  
**Sent:** Thursday, November 20, 2014 2:32 PM  
**To:** Green, Holly  
**Cc:** Simon, Roy  
**Subject:** RE: Update for your help with Ron Region 8 Review Visit on December 9 and 10

Hi Holly: Roy just called me after you and I talked today. While I just emailed him the format below for the AE Paper, I added in the content reflecting the edits I just got back from Sadie a few minutes ago.

Sadie and I believe the GS and HF items were added by someone in HQ, but here are my thoughts on content to consider:

GS: 1) an update on effort to grant ND Class VI primacy (no surprise!). Recognizing all the effort by OGWDW has invested to get this unstuck, what is the current sense of timing (which you spoke to on yesterday's call).

2) What type of support can Region 8 expect to receive in our work with MT and WY, both of which are working on preparing Class VI primacy packages for EPA's informal review in the next several months.

3) What type of support can Region 8 expect to receive in reviewing our first Class VI permit application which we expect to receive by April, 2015?

HF: 1) I will have to defer to Ayn Schmit in R8 on the HF, but it would be helpful to get an update on EIP's further inquiries into the alleged use of diesel; and what other Regions/States are seeing in terms of diesel use in the wake of EPA guidance being issued. I believe you were copied on our RA's response back to EIP.

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## Energy - Aquifer Exemptions/Underground Injection Control Program

### Goal:

Receive further policy direction/input from OGWDW to inform future decisions on "complex" aquifer exemption requests.

### Background:

Increased Regional activity in energy sector activities including oil and gas production and in-situ uranium mining has led to aquifer exemption requests that involve higher quality, higher sustained yield, and/or relatively shallow aquifers, some of which can

occur in unique hydrogeologic settings. As a result, there can be significant uncertainty regarding the potential for current and/or future use of the aquifer or its portion proposed for exemption. Consequently, these “complex” aquifer exemption requests require a broader and more rigorous review to inform decision making.

#### Issues/Challenges:

- The Region’s current source/use analysis in its recent Record of Decision approving an aquifer exemption request for Linc Energy’s proposed Class III in-situ coal gasification project has raised concerns from some States, including Wyoming. Region 8 expects to receive similar in-situ recovery-related aquifer exemption requests (e.g., for uranium mining) in Wyoming in the near future that will likely raise these issues again, therefore the need for further policy direction.
- Region 8 expects to continue to receive a number of Class I and II-related aquifer exemption requests for proposed disposal of oil/gas-related production fluids and uranium in-situ recovery-related wastes. At least one of these requests (i.e., Encana’s Moneta Divide Gas Project in Wyoming) will pose unique future use issues that need further policy direction.

What can OW do in support of the Region’s efforts?

**Current Source/Use:** We appreciate OGWDW’s clarification of current source/use analysis through its recent policy memo. Coincidentally, Wyoming has questioned the Region’s method and assumptions that informed EPA’s current source/use analysis on Linc Energy’s aquifer exemption request. To address these concerns, the Region requests that OGWDW continue to engage our States (e.g., through GWPC) so that current source/use analyses by the States and EPA will be in alignment.

**Future Use:** As prompted in OGWDW’s recent policy memo, we ask that OGWDW continue to work with the Regions to develop tools, etc. to inform Regional future use analyses based on aquifer quality, depth, sustained yield, presence of contaminants, and other factors.

What has the Region done to further the national program?

Region 8 has, and will continue to, collaborate with OGWDW and other Regions in addressing aquifer exemption-related issues by drawing upon its considerable experience reviewing aquifer exemption requests, and documenting Regional decisions. As a member of EPA's national aquifer exemption workgroup, the Region will also continue to use its technical and regulatory expertise in assisting OGWDW in development of aquifer exemption policy.

Contact name and phone number:

Douglas Minter (303-312-6079) and Wendy Cheung (303-312-6242)

**From:** Green, Holly

**Sent:** Thursday, November 20, 2014 11:48 AM

**To:** Minter, Douglas

**Subject:** FW: Update for your help with Ron Region 8 Review Visit on December 9 and 10

Hi Douglas,

One thing I forgot to ask you about was any additional planning for the R8 review. This is what I received from Roy. He says you will draft the paper for the DB AE and that HQ would GS and HF using that template. Even if you have not completed the AE paper, do you know the format you are planning to use? And I'll take any ideas as to what would be worthwhile to focus on for HF.

Thanks!

Holly

Holly Sage Green

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**From:** Simon, Roy

**Sent:** Tuesday, November 18, 2014 3:30 PM

**To:** Green, Holly

**Subject:** Update for your help with Ron Region 8 Review Visit on December 9 and 10

Here is the agenda as I know it now for both the 8 – 10 am Dec. 9 Ron sessions with Regional BCs, and full agenda for the Dec 9 and 10 meeting.

**Dec 9, 8 – 10 am sessions:**

- For drinking water issues, Mindy is covering those.
- For Source Water, Ron is fine if you and Judy Bloom work out what to talk about on source water relative to Wyoming, or other issues.
- For UIC, Ron is ok with Doug Minter sending us a draft paper, to start, on the issues of the “Dewey Burdock Uranium ISR Proposed Permits and Aquifer Exemptions

Here is that 8 – 10 am agenda:

**Break Out Session 12/9, 8-10 am**

8-9        Drinking Water (Sarah Bahrman & Lisa Kahn)

State primacy issues

Wyoming transients

Small Systems

9-9:15 Source Water Protection (Judy Bloom)

Wyoming

9:15-10 UIC (Douglas Minter)

Briefing on Dewey Burdock Uranium ISR Proposed Permits and Aquifer Exemption

### **Main Agenda on December 9 and 10**

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- For the Energy Session on Dec 9 at 3-5 pm, Ron will likely have to speak up on four topics:

- Overall issues, AE, GS and HF

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- Doug Minter is lead for AE and is writing a paper and sending the draft to us for format and substance purposes by November 26.

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- Ron agreed that you and your staff would write the papers for GS and HF in the same format as the AE paper.

- You can contact Doug sooner if you want to do so.

- For the Nutrients session from 1 – 2 on December 10, it appears all the issues are Clean Water Act and Ron said he had all the information he needs on the nitrate DW standard, nutrients in general, HABs and algal toxins.

Roy

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